

P/12/1039/TO [O]

FAREHAM WEST

MR N GREGORY

AGENT: MISS S SMITH

FELL OAK TREE COVERED BY FTPO 161  
67 THE AVENUE FAREHAM HANTS PO14 1PE

**Report By**

Richard Wright x2356

**Site Description**

This application relates to a red oak tree located within the curtilage of 67 The Avenue, Little Munchkins nursery. The tree is located in the rear garden of the property and is covered by a tree preservation order (FTPO 161).

**Description of Proposal**

Consent is sought to fell the oak tree. The application contends that the tree is suffering from extensive root decay and as a result is unstable.

**Policies**

The following policies apply to this application:

**Fareham Borough Local Plan Review**

DG4 - Site Characteristics

**Relevant Planning History**

The following planning history is relevant:

<b><u>P/12/0815/FP</u></b>	<b>ERECTION OF 4 BEDROOM THREE STOREY DWELLING REFUSE 27/11/2012</b>
<b><u>P/12/0804/FP</u></b>	<b>CHANGE OF USE TO MIXED USE COMPRISING NURSERY (D1) AT GROUND FLOOR LEVEL AND THREE BEDROOM RESIDENTIAL UNIT (C3) AT FIRST FLOOR LEVEL, ERECTION OF SINGLE STOREY EXTENSION TO SOUTH EASTERN CORNER OF BUILDING AND ENTRANCE RAMP APPROVE 08/01/2013</b>
<b><u>P/11/0312/FP</u></b>	<b>(A) CONVERT GARAGE TO OFFICE / RECEPTION, CONSTRUCT LINK TO NURSERY AND INCREASE MAXIMUM CHILDREN NUMBERS FROM 48-59 (B) AMEND PARKING LAYOUT &amp; VEHICULAR EXIT PART 27/06/2011 PERMISSION</b>
<b><u>P/10/0602/FP</u></b>	<b>REPLACE EXISTING CAR PARKING AREA WITH BLOCK PAVING, ERECTION OF BUGGY STORE, PERGOLA AND REGULARISATION OF REAR LANDSCAPING PERMISSION 17/09/2010</b>
<b><u>P/09/0556/VC</u></b>	<b>VARIATION OF CONDITIONS 5,8 &amp; 9 OF P/09/0245/CU (REVISED PARKING LAYOUT &amp; CHANGE FROM 8 TO 16 CHILDREN</b>

**PERMITTED OUTSIDE) & REVISED ACCESS**

PERMISSION 08/10/2009

**P/09/0245/CU CHANGE OF USE OF HOTEL TO NURSERY SCHOOL FOR 48 CHILDREN**

PERMISSION 17/04/2009

**P/08/0544/CU CHANGE OF USE FROM HOTEL TO NURSERY SCHOOL FOR 40 CHILDREN**

REFUSE 27/06/2008

**P/08/0091/CU CHANGE OF USE FROM HOTEL TO NURSERY SCHOOL FOR 40 CHILDREN**

REFUSE 12/03/2008

**P/98/0200/TO Prune One Tree and Fell One Tree Covered by F.T.P.O.161**

CONSENT 02/07/1998

**P/94/0984/TO TO FELL 1No. FIR AND SYCAMORE TREE AND PRUNE VARIOUS OTHER TREES COVERED BY FTPO161**

CONSENT 25/10/1994

**P/93/0312/TO FELLING OF TREE COVERED BY FTPO161**

CONSENT 21/04/1993

***Representations***

Four letters have been received objecting to the application on the following grounds:

- Unless independent inspection shows that the tree in question is untreatable there seems to be no valid reason to remove it
- The tree provides shelter and food for birds and insects
- Visual amenity of tree would be lost
- Detriment to privacy of adjoining properties
- Many other trees, bushes and hedges have been lost already
- The felling of the oak will cause an increase in water moving downhill into the gardens below it

One further letter has been received making the following points:

- A plan to review the progress of the disease in the tree on a regular basis might be an alternative so that action can be taken at the appropriate time to prevent undue risk to children playing in the garden

***Consultations***

Director of Planning & Environment (Arboriculture) -

Tree preservation orders seek to protect trees in the interest of public amenity, therefore it follows that the removal of a protected tree should only be sanctioned where its public amenity value is outweighed by other considerations.

In this instance the oak has two large areas of dead bark and associated insipient decay of the exposed wood tissues behind, situated on the south and northwest side of the main stem extending 1.5 metres above ground level. Further dead (necrotic) patches of bark were observed higher up the main stem and primary limbs and several poorly occluded wounds with dieback around the branch collar within these areas. The bark killing and

associated decay appear consistent with Honey Fungus, though no fruit bodies were observed at the time of inspection.

It is therefore concluded that due to the tree's deteriorating condition and its situation within a pre-school / nursery garden there is no viable alternative management option available and its removal is justified.

### ***Planning Considerations - Key Issues***

Officers consider that consent should be granted to fell the tree. The public amenity value of the tree is outweighed by the need for action to address the health and safety threat posed as a result of the tree's poor condition.

Matters such as the potential detriment to the privacy of neighbours and the effect on site drainage are not material considerations. The effect on nesting birds and bats which have the potential to be present and the applicant's obligations under the Wildlife & Countryside Act 1981 should outlined in an informative attached to the decision notice.

### ***Recommendation***

CONSENT: works in accordance with BS 3998 (2010); replacement tree

### ***Notes for Information***

Bird nesting; bats; replacement tree.

### ***Background Papers***

See planning history above.

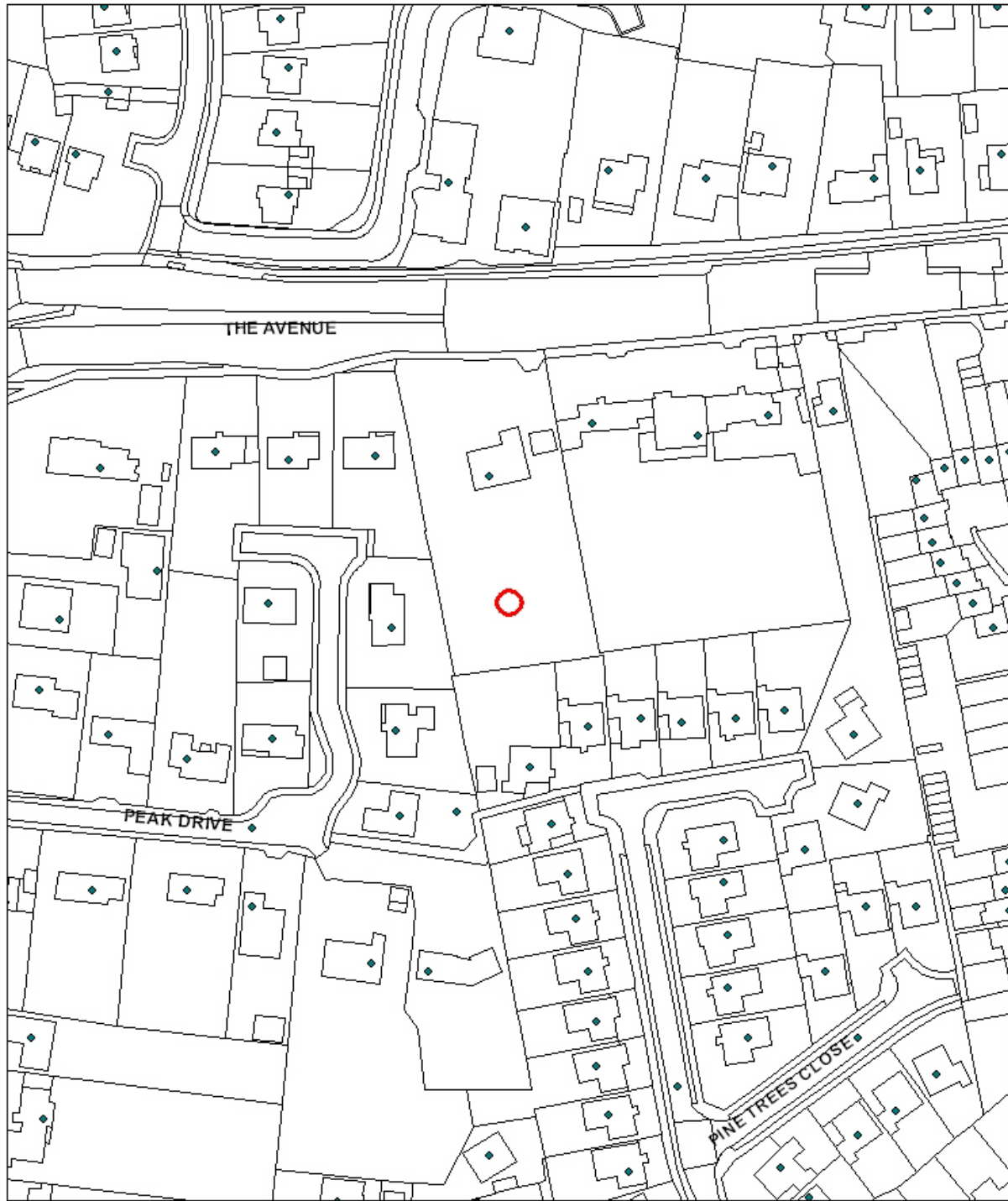
### ***Updates***

One further letter has been received within the public consultation period. The letter raises an objection to the application with the following additional points to those summarised in the Officer report:

- The tree has had its crown considerably reduced two years ago and has recovered and is in full leaf each summer
- Healthy mature trees can withstand an attack of honey fungus and continue to grow satisfactorily for many years
- The tree could be fenced off and an alternative area in the existing fenced off portion of the site used by nursery children

# FAREHAM

## BOROUGH COUNCIL



67 THE AVENUE  
SCALE 1:1250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2013

